



1742
Patent
100035

Docket No.: 330440-100035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

William J. KOHR, et al.

Serial No.: 10/086,647

Filed: February 28, 2002

For: HIGH TEMPERATURE HEAP BIOLEACHING PROCESS

Confirmation No.: 8538

Group Art Unit: 1742

Examiner: Andrews, Melvyn J.

**TRANSMITTAL OF POWER OF ATTORNEY AND
REVOCATION OF PRIOR POWERS BY ASSIGNEE**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing in connection with the above-identified application are the following:

1. Power of Attorney and Revocation of Prior Powers by Assignee;
2. Statement Under 37 CFR 3.73(b); and
3. Letter Re: Change of Attorney Docket No.

Respectfully submitted,

JONES DAY

Dated: December 14, 2004

By:

David A. Randall
Reg. No. 37,217

555 West Fifth Street, Suite 4600
Los Angeles, California 90013-1025
Telephone: (213) 489-3939
Facsimile: (213) 243-2539

CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

December 14, 2004
Date of Deposit
LAI-2166842v1

Cynthia Benon de Mora
Cynthia Benon de Mora



Patent
Docket No. 330440-100035

**POWER OF ATTORNEY
& REVOCATION OF PRIOR POWERS
By Assignee**

GEOBIOTICS, LLC, assignee of the application for United States Letters Patent for an improvement in

HIGH TEMPERATURE HEAP BIOLEACHING PROCESS

by: William J. Kohr

the specification of which:

- ☐ is filed herewith, OR
☒ was filed on February 28, 2002, having U.S. Patent Application Serial No. 10/086,647,
☒ issued on October 12, 2004, as U.S. Patent No. 6,802,888.

and does hereby revoke all powers of attorney previously given and hereby appoints as its attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 34026:

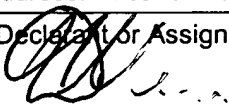
**JONES DAY
555 W. Fifth Street, Suite 4600
Los Angeles, CA 90013-1025
(213) 489-3939**

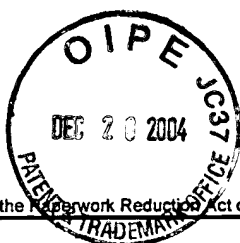
Please send all correspondence to the attention of **David A. Randall**, at the address above, and direct all telephone calls to **David A. Randall**.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee, which:

- ☐ is filed for recordation herewith; or
☒ was recorded at Reel 011386, Frame 0964-0967; and Reel 012002, Frame 0001 to 0005; or
☐ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee.

Full Name of Assignee: GeoBiotics, LLC	
Post Office Address: 12345 West Alameda Parkway, Suite 310, Lakewood, Colorado, 80228	
Signature of Declarant or Assignee: 	Date: <u>November 10, 2004</u>
Full Name of Declarant (If Other Than Assignee): Desmond P. Kearns	
Title of Declarant: Chairman and Chief Executive Officer	
Address of Declarant: GeoBiotics, LLC, 12345 West Alameda Parkway, Suite 310, Lakewood, Colorado, 80228	

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: GeoBiotics, LLCApplication No./Patent No.: 6,802,688 Filed/Issue Date: October 12, 2004Entitled: HIGH TEMPERATURE HEAP BIOLEACHING PROCESSGeoBiotics, LLC, a Delaware limited liability company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [☒] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: inventors To: Geobiotics, Inc., a Delaware corporation.

The document was recorded in the United States Patent and Trademark Office at Reel 011386, Frame 0964-0967, or for which a copy thereof is attached.

2. From: PLEASE SEE ATTACHMENT To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[☒] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

November 10, 2004
Date

(330) 277-0300

Telephone number

Desmond P. Kearns

Typed or printed name

[Signature]
Signature

Chairman and Chief Executive Officer

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CONTINUATION OF FORM PTO/SB/96

- B.2. Certificate of Merger of Geobiotics, Inc., a Delaware corporation, with and into GeoBiotics, LLC, a Delaware limited liability company. The document was recorded in the Patent and Trademark Office at: Reel 012002, Frame 0001 to 0005, or for which a copy thereof is attached.

/end

Express Mail No.
EL 740478036 US



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MARCH 14, 2001

PTAS



101572792A

LYON & LYON LLP
DAVID A. RANDALL, ESQ.
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071-2066

256/248

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/26/2000

REEL/FRAME: 011386/0964
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
KOHR, WILLIAM J.

DOC DATE: 12/02/2000

ASSIGNOR:
SHRADER, VANDY

DOC DATE: 12/05/2000

ASSIGNOR:
JOHANSSON, CHRIS

DOC DATE: 12/02/2000

ASSIGNEE:
GEOBIOTICS, INC.
14818 W. 6TH AVENUE, SUITE 5-A
GOLDEN, COLORADO 80401

SERIAL NUMBER: 09650319
PATENT NUMBER:

FILING DATE: 08/29/2000
ISSUE DATE:

RECEIVED
MAR 22 2001
U.S. PROSECUTION

Express Mail No.
EL 740478036 US

011386/0964 PAGE 2

SEDLEY PYNE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



Docket No. 256/248

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
William J. Kohr, Vandy Shrader and Chris Johansson
Additional name(s) of conveying party(ies) attached?
☐ Yes ☒ No

3. Nature of conveyance:
☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____
Execution Date: December 5, 2000

2. Name and address of receiving party:

Name: GEOBIOTICS, INC.

Internal Address: _____

City: _____ State: _____ Zip: _____

Street Address: 14818 W. 6th Avenue, Suite 5-ACity: Golden State: CO Zip: 80401Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s): 09/650,319

B. Patent No(s): _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence
concerning document should be mailed:
Name: David A. Randall, Esq.

Internal Address: LYON & LYON LLP
633 West Fifth Street, Suite 4700
Los Angeles, CA 90071-2066

6. Total number of applications and patents involved: One

7. Total fee (37 CFR 3.41): \$ 40.00
☒ Enclosed

☐ Charge this Deposit Account if any additional fee is required8. Deposit Account Number: 12-2475

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David A. Randall, Reg No. 37,217

Date: December 18, 2000Total number of pages including cover sheet: 5

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:

Director — U.S. Patent and Trademark Office

Box Assignments

Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

ASSIGNMENT

WHEREAS, WE, WILLIAM J. KOHR, VANDY SHRADER and CHRIS JOHANSSON, all citizens of UNITED STATES OF AMERICA (hereinafter referred to as "ASSIGNORS"), have invented and own a certain invention entitled **HIGH TEMPERATURE HEAP BIOLEACHING PROCESS** for which application for Letters Patent of the United States of America under Attorney Docket No. 256/248 was filed on August 29, 2000 and assigned Serial No. 09/650,319; and

WHEREAS, GEOBIOTICS, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware and having its principal place of business at 14818 W. 6th Avenue, Suite 5-A, Golden, Colorado 80401 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

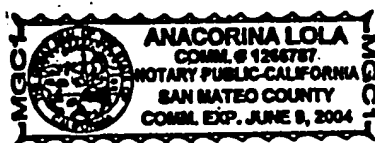
ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

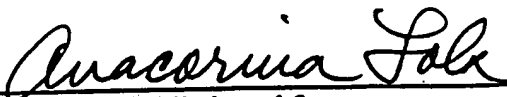
WITNESS my hand at So. San Francisco, California, this 2 day of December
2000.


WILLIAM J. KOHR

STATE OF CALIFORNIA)
 San Mateo)
COUNTY OF ~~ALAMEDA~~ or) ss.

On December 2, 2000, before the undersigned, a Notary Public for the State and County aforesaid, personally appeared WILLIAM J. KOHR known to me to be the person whose name is subscribed to the above Assignment, and acknowledged that he executed the same.




Notary Public in and for
Said County and State

WITNESS my hand at San Mateo, California, this 5th day of December

2000.

Vandy Shrader

VANDY SHRADER

STATE OF CALIFORNIA)

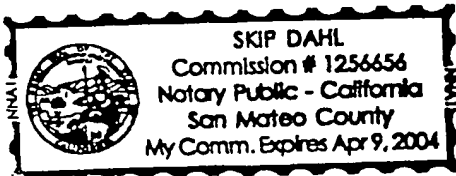
COUNTY OF SAN MATEO)

ss.

On DECEMBER 5, 2000, before the undersigned, a Notary Public for the

State and County aforesaid, personally appeared VANDY SHRADER known to me to be the person

whose name is subscribed to the above Assignment, and acknowledged that he executed the same.



Skip Dahl

Notary Public in and for
Said County and State

WITNESS my hand at So. San Francisco, California, this 2 day of Dec

2000.

Chris Johansson

CHRIS JOHANSSON

aka Christopher

STATE OF CALIFORNIA)

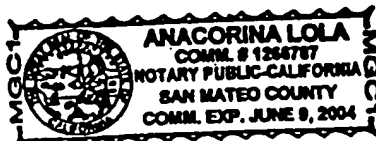
COUNTY OF SAN MATEO)

ss.

On December 2, 2000, before the undersigned, a Notary Public for the

State and County aforesaid, personally appeared CHRIS JOHANSSON known to me to be the person

whose name is subscribed to the above Assignment, and acknowledged that he executed the same.



Anacarina Lola

Notary Public in and for
Said County and State

Express Mail No.
EL 740478036 US



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 27, 2001

PTAS



101789772A

LYON & LYON LLP
DAVID A. RANDALL
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071-2066

UNITED STATES PATENT AND TRADEMARK OFFICE
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RECORDATION DATE: 07/23/2001

REEL/FRAME: 012002/0001
NUMBER OF PAGES: 5

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
GEOBIOTICS, INC.

DOC DATE: 12/28/2000

ASSIGNEE:
GEOBIOTICS, LLC
14818 WEST 6TH AVENUE
SUITE 5-A
GOLDEN, COLORADO 80401

SERIAL NUMBER: 08329002
PATENT NUMBER:

FILING DATE: 10/25/1994
ISSUE DATE:

SERIAL NUMBER: 08459621
PATENT NUMBER:

FILING DATE: 06/02/1995
ISSUE DATE:

SERIAL NUMBER: 09650319
PATENT NUMBER:

FILING DATE: 08/29/2000
ISSUE DATE:

SERIAL NUMBER: 09709765
PATENT NUMBER:

FILING DATE: 11/10/2000
ISSUE DATE:

RECEIVED
OCT 22 2001
PATENT & TRADEMARK OFFICE

012002/0001 PAGE 2

SERIAL NUMBER: 09735156
PATENT NUMBER:

FILING DATE: 12/12/2000
ISSUE DATE:

SERIAL NUMBER: 08161742
PATENT NUMBER: 5431717

FILING DATE: 12/03/1993
ISSUE DATE: 07/11/1995

SERIAL NUMBER: 08343888
PATENT NUMBER: 5573575

FILING DATE: 11/16/1994
ISSUE DATE: 11/12/1996

SERIAL NUMBER: 08453016
PATENT NUMBER: 5611839

FILING DATE: 05/30/1995
ISSUE DATE: 03/18/1997

SERIAL NUMBER: 08476444
PATENT NUMBER: 5676733

FILING DATE: 06/07/1995
ISSUE DATE: 10/14/1997

SERIAL NUMBER: 08652993
PATENT NUMBER: 5688304

FILING DATE: 05/24/1996
ISSUE DATE: 11/18/1997

SERIAL NUMBER: 08636117
PATENT NUMBER: 5766930

FILING DATE: 04/22/1996
ISSUE DATE: 06/16/1998

SERIAL NUMBER: 08547894
PATENT NUMBER: 5779762

FILING DATE: 10/25/1995
ISSUE DATE: 07/14/1998

SERIAL NUMBER: 08819753
PATENT NUMBER: 5800593

FILING DATE: 03/18/1997
ISSUE DATE: 09/01/1998

SERIAL NUMBER: 08588589
PATENT NUMBER: 6083730

FILING DATE: 01/18/1996
ISSUE DATE: 07/04/2000

SERIAL NUMBER: 09060273
PATENT NUMBER: 6086656

FILING DATE: 04/14/1998
ISSUE DATE: 07/11/2000

SERIAL NUMBER: 08886840
PATENT NUMBER: 6107065

FILING DATE: 07/01/1997
ISSUE DATE: 08/22/2000

SERIAL NUMBER: 09212579
PATENT NUMBER: 6110253

FILING DATE: 12/14/1998
ISSUE DATE: 08/29/2000

SERIAL NUMBER: 08950279
PATENT NUMBER: 6146444

FILING DATE: 10/14/1997
ISSUE DATE: 11/14/2000

SERIAL NUMBER: 09097316
PATENT NUMBER: 6159726

FILING DATE: 06/12/1998
ISSUE DATE: 12/12/2000

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Express Mail No.
EL 740478036 US

07-27-2001

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

ORM PTO-1595
31-92

RECOF



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ginal documents or copy thereof.

cket No.

to the Honorable Commissioner of Patents and

Name of conveying party(ies):

Geobiotics, Inc.

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment

☒ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: December 28, 2000

2. Name and address of receiving party:

Name: GeoBiotics, LLC

Internal Address:

City: _____ State: _____ Zip: _____

Street Address: 14818 West 6th Avenue, Suite 5-A

City: Golden State: Co Zip: 80401

Additional name(s) & address(es) attached? ☐ Yes ☒ No

JUL 23 2001



4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 08/329,002 Filed: 10/25/94
Attorney Docket No. 209/233

B. Patent No(s): 5,431,717 Filed: 12/3/93 Attorney Docket
No. 204/256

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David A. Randall

Internal Address: LYON & LYON LLP
633 West Fifth Street, Suite 4700
Los Angeles, CA 90071-2066

6. Total number of applications and patents involved: 19

7. Total fee (37 CFR 3.41): \$ 760.00

☒ Enclosed

☒ Charge this Deposit Account if any additional fee is required

8. Deposit Account Number: 12-2475

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: July 18, 2001

David A. Randall, Reg No. 37,217

Total number of pages including cover sheet: 5 (NOTE: Apostille on back of last page.)

OMB No. 0651-0011 (exp. 4/94)

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Washington, D.C. 20231

7/26/2001 TDIAZI 00000010 08329002

FC:581

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CONTINUATION OF FORM PTO-1595, SECTION 4

Patent Applications

<u>Serial Number</u>	<u>Filing Date</u>	<u>Attorney Docket No.</u>
08/459,621	6/2/95	213/032
09/650,319	8/29/00	256/248
09/709,765	11/10/00	258/211
09/735,156	12/12/00	258/212

Patents

<u>Patent Number</u>	<u>Filing Date</u>	<u>Attorney Docket No.</u>
5,573,575	11/16/94	210/062
5,611,839	5/30/95	214/036
5,676,733	6/7/95	213/031
5,688,304	5/24/96	220/112
5,766,930	4/22/96	219/212
5,779,762	10/25/95	216/099
5,800,593	3/18/97	224/272
6,083,730	1/18/96	217/275
6,086,656	4/14/98	227/138
6,107,065	7/1/97	226/246
6,110,253	12/14/98	236/022
6,146,444	10/14/97	230/005
6,159,726	6/12/98	233/157

State of Delaware

PAGE 1

Office of the Secretary of State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"GEOBIOTICS, INC.", A DELAWARE CORPORATION,
WITH AND INTO "GEOBIOTICS, LLC" UNDER THE NAME OF
"GEOBIOTICS, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE THE TWENTY-EIGHTH DAY OF DECEMBER, A.D.
2000, AT 9 O'CLOCK A.M.



3316790 8100M

010058514

AUTHENTICATION: 0965555

DATE: 02-09-01

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 12/28/2000
001657724 - 3316790

**CERTIFICATE OF MERGER OF
GEOBIOTICS, INC. WITH AND INTO
GEOBIOTICS, LLC**

Pursuant to Section 264(c) of the Delaware General Corporation Law (the "DGCL") and Section 18-209 of the Delaware Limited Liability Company Act, the undersigned limited liability company executed the following Certificate of Merger:

FIRST: The name of the surviving limited liability company is GeoBiotics, LLC, a Delaware limited liability company, and the name of the corporation being merged into this surviving limited liability company is GeoBiotics, Inc., a Delaware corporation.

SECOND: An Agreement and Plan of Merger has been approved, adopted, certified, executed and acknowledged by GeoBiotics, LLC and GeoBiotics, Inc. in accordance with Section 264 of the DGCL.

THIRD: The name of the surviving limited liability company is GeoBiotics, LLC.

FOURTH: The Agreement and Plan of Merger is on file at 14818 West 6th Avenue, Suite 5-A, Golden, Colorado 80401, the place of business of GeoBiotics, LLC.

FIFTH: A copy of the Agreement and Plan of Merger will be furnished by GeoBiotics, LLC, on request and without cost, to any stockholder of GeoBiotics, Inc. or any member of GeoBiotics, LLC.

Express Mail No.
EL 740478036 US

IN WITNESS WHEREOF, GeoBiotics, LLC has caused this certificate to be signed by
Desmond P. Kearns, a director of GeoBiotics, LLC, the 28 day of December, 2000.

GEOBIOTICS, LLC

By: 

Name: Desmond P. Kearns

Title: Director



Patent
Docket No.: 330440-100035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

William J. KOHR, et al.

Serial No.: 10/086,647

Filed: February 28, 2002

For: HIGH TEMPERATURE HEAP
BIOLEACHING PROCESS

)
) Confirmation No.: 8538

)
) Group Art Unit: 1742

)
) Examiner: Andrews, Melvyn J.

LETTER RE CHANGE OF ATTORNEY DOCKET NO.

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

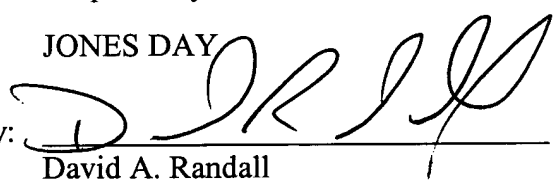
Please change the Attorney Docket No. for the above-identified application to the following:

330440-100035

Respectfully submitted,

JONES DAY

Dated: December 14, 2004

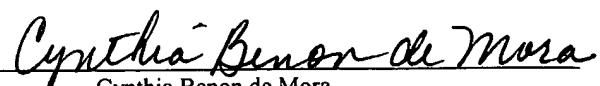
By: 
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CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

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LAI-2166861v1


Cynthia Benon de Mora